

**Senate File 2069 - Introduced**

SENATE FILE 2069

BY JOCHUM

**A BILL FOR**

1 An Act relating to the regulation of wetlands, mitigation of  
2 adverse impacts to wetlands, providing penalties and fees,  
3 and making an appropriation.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1     Section 1. NEW SECTION.   **456B.21   Short title.**

2     This subchapter shall be known and may be cited as the "*Iowa*  
3 *Wetlands Protection Act*".

4     Sec. 2. NEW SECTION.   **456B.22   Definitions.**

5     As used in this subchapter, unless the context otherwise  
6 requires:

7     1. "*Creation*" means the establishment of a wetland where  
8 one did not formerly exist and involves wetland construction  
9 on nonhydric soils.

10    2. "*Enhancement*" means activities conducted in an existing  
11 wetland to improve or repair its existing or natural wetland  
12 functions and values.

13    3. "*Fill material*" means any material free of toxic  
14 contaminants, other than trace amounts, used to fill an aquatic  
15 area, replace an aquatic area with dry land, or change the  
16 bottom elevation of a wetland for any purpose. "*Fill material*"  
17 does not include any of the following:

18    a. Material resulting from normal farming, silviculture,  
19 or ranching activities, such as plowing, cultivating, seeding,  
20 or harvesting for the production of food, fiber, or forest  
21 products.

22    b. Material used to maintain existing structures,  
23 including emergency reconstruction of recently damaged  
24 parts of serviceable structures such as dikes, dams, levees,  
25 breakwaters, causeways, or bridge abutments or approaches, or  
26 transportation structures.

27    4. "*Filling*" means adding fill material into a wetland  
28 for the purpose of creating an upland, changing the bottom  
29 elevation of the wetland, or creating impoundments of water.

30    5. "*Function*" means properties of wetlands that provide  
31 ecological or economic benefits including but not limited  
32 to flood flow alteration, groundwater recharge, groundwater  
33 discharge, sediment and toxicant retention, nutrient removal or  
34 transformation, wildlife and aquatic diversity and abundance,  
35 uniqueness, and historical and recreational value. These

1 functions can be evaluated using the wetland evaluation  
2 technique developed by the United States army corps of  
3 engineers or a similar technique developed by the department.

4 6. "*Isolated wetland permit*" means a permit obtained from  
5 the department to engage in a regulated activity in an isolated  
6 wetland.

7 7. "*Isolated wetlands*" means wetlands that meet all of the  
8 following criteria:

9 a. The wetlands are inundated or saturated by surface or  
10 groundwater at a frequency and duration sufficient to support,  
11 and that under normal circumstances do support, a prevalence  
12 of vegetation typically adapted for life in saturated soil  
13 conditions and possess hydrophytic vegetation, hydric soils,  
14 and wetland hydrology.

15 b. The wetlands do not have a surface water connection to  
16 United States navigable waterways or as otherwise defined by  
17 the United States army corps of engineers.

18 c. The wetlands are delineated in accordance with current  
19 delineation specifications of the United States army corps of  
20 engineers.

21 d. The wetlands include but are not limited to marshes,  
22 bogs, fens, and isolated ponds.

23 8. "*Mitigation*" means applying the following actions in  
24 order of acceptability and preference to the department:

25 a. Avoiding an adverse impact.

26 b. Where adverse impacts cannot be avoided, minimizing an  
27 adverse impact.

28 c. Where adverse impacts cannot be avoided or minimized,  
29 rectifying an adverse impact by repairing, rehabilitating, or  
30 restoring the affected environment.

31 d. Where adverse impacts cannot be avoided, minimized, or  
32 rectified, compensating for the adverse impact by replacing  
33 or providing substitute resources or environments of equal or  
34 greater quality and functions.

35 9. "*Mitigation bank service area*" means the designated area

1 where a mitigation bank provides appropriate compensation for  
2 impacts to wetlands and other aquatic resources and that is  
3 designated as such in accordance with the process established  
4 in the federal guidance for the establishment, use, and  
5 operation of mitigation banks.

6 10. "*Off-site mitigation*" means wetland restoration,  
7 creation, enhancement, or preservation occurring farther  
8 than one mile from a project boundary, but within the same  
9 watershed.

10 11. "*On-site mitigation*" means wetland restoration,  
11 creation, enhancement, or preservation occurring within and not  
12 more than one mile from the project boundary, and within the  
13 same watershed.

14 12. "*Practicable*" means available and capable of being  
15 executed with existing technology and without significant  
16 adverse effect on the economic feasibility of the project in  
17 light of the overall project purposes and in consideration of  
18 the relative environmental benefit. The department shall have  
19 the final determination as to what measures are practicable.

20 13. "*Preservation*" means the protection of ecologically  
21 important wetlands in perpetuity through the implementation of  
22 appropriate legal mechanisms to prevent harm to the wetlands.  
23 "*Preservation*" may include protection of adjacent upland areas  
24 as necessary to ensure protection of a wetland.

25 14. "*Restoration*" means the reestablishment of a previously  
26 existing wetland at a site where the wetland has ceased to  
27 exist.

28 15. "*Watershed*" means a common surface drainage area.  
29 "*Watershed*" is limited to those parts of the cataloging units  
30 that geographically lie within the borders of this state.

31 16. "*Wetlands*" means those areas that are inundated  
32 or saturated by surface or groundwater at a frequency and  
33 duration that are sufficient to support, and that under normal  
34 circumstances do support, a prevalence of vegetation typically  
35 adapted for life in saturated soil conditions. "*Wetlands*"

1 includes swamps, marshes, bogs, and similar areas that are  
2 delineated in accordance with the United States army corps of  
3 engineers.

4 17. "*Wetland mitigation bank*" means a site where wetlands  
5 have been restored, created, enhanced, or, in exceptional  
6 circumstances, preserved expressly for the purpose of providing  
7 mitigation for impacts to wetlands and that has been approved  
8 in accordance with the process established in the federal  
9 guidelines for the establishment, use, and operation of  
10 mitigation banks.

11 Sec. 3. NEW SECTION. 456B.23 **Permitting guidelines.**

12 1. A proposed filling of an isolated wetland shall  
13 require an isolated wetland permit and be subject to review  
14 requirements established under this subchapter.

15 2. A review shall require the submission of a preactivity  
16 notice that includes an application containing an acceptable  
17 wetland delineation, a wetland categorization, a description  
18 of the project, a description of the acreage of the isolated  
19 wetland that will be subject to filling, site photographs, and  
20 a mitigation proposal for the impact to the isolated wetland.

21 3. The applicant shall conduct mitigation for the proposed  
22 filling of an isolated wetland that is subject to review. With  
23 the approval of the director, the applicant shall conduct  
24 either on-site mitigation, mitigation at a wetland mitigation  
25 bank within the same United States army corps of engineers  
26 district as the location of the proposed filling of the  
27 isolated wetland, or off-site mitigation.

28 4. A person that has submitted a preactivity notice shall  
29 complete the filling within two years after the end of the  
30 thirty-day period following the receipt of the preactivity  
31 notice by the department. If the filling is not completed  
32 within that two-year period, the person shall submit a new  
33 preactivity notice.

34 Sec. 4. NEW SECTION. 456B.24 **Permits.**

35 1. A review for an isolated wetland permit shall require all

1 of the following:

2     *a.* All of the information required to be submitted with a  
3 preactivity notice.

4     *b.* A full antidegradation review.

5     *c.* The submission of information indicating whether high-  
6 quality waters are to be avoided by the proposed filling of the  
7 isolated wetland.

8     2. The department shall issue or deny an isolated wetland  
9 permit not later than one hundred eighty days after the receipt  
10 of an application for the permit. The department shall not  
11 issue an isolated wetland permit unless the applicant has  
12 demonstrated that the proposed filling will not prevent or  
13 interfere with the attainment or maintenance of applicable  
14 state water quality standards.

15     3. *a.* The department may deny an isolated wetland permit  
16 if the department determines that the proposed filling of the  
17 isolated wetland will result in an adverse short-term or long-  
18 term impact on water quality in the state.

19     *b.* The department may impose any practicable terms and  
20 conditions on an isolated wetland permit to ensure adequate  
21 protection of water quality in the state.

22     *c.* Prior to the issuance of an isolated wetland permit, or  
23 prior to, during, or after the filling of the isolated wetland  
24 that is the subject of the permit, the department may require  
25 the applicant to perform various environmental quality tests,  
26 including, without limitation, chemical analyses of water, to  
27 sediment, or fill material and bioassays, in order to ensure  
28 adequate protection of water quality.

29     4. Mitigation for the proposed filling of an isolated  
30 wetland that is subject to review shall occur in the following  
31 order:

32     *a.* Practicable on-site mitigation.

33     *b.* Reasonably identifiable, available, and practicable  
34 off-site mitigation within the same watershed.

35     *c.* If the proposed filling of the isolated wetland will

1 take place within a mitigation bank service area, within that  
2 mitigation bank service area. If there is a significant  
3 ecological reason that the mitigation location should not  
4 be limited to the watershed in which the isolated wetland  
5 is located and if the proposed mitigation will result in a  
6 substantially greater ecological benefit, in a watershed that  
7 is adjacent to the watershed in which the isolated wetland is  
8 located.

9 Sec. 5. NEW SECTION. **456B.25 Wetland mitigation banks.**

10 1. The department shall establish a list of approved wetland  
11 mitigation banks. In establishing the list, the department  
12 shall give preference to wetland mitigation banks that are  
13 comprised of areas involving the restoration of previously  
14 existing wetlands. The list established under this section  
15 shall not exclude state or local agencies from developing  
16 wetland mitigation banks.

17 2. The department may establish and operate a wetland  
18 mitigation bank for use by any individual or entity, including  
19 any state agency or department, for mitigation purposes in  
20 accordance with this subchapter.

21 3. By December 31 of each year, the director shall issue  
22 an annual report to the general assembly on the total acreage  
23 of isolated wetlands that were subject to filling during the  
24 preceding year and the total acreage of isolated wetlands  
25 restored, created, enhanced, or preserved through mitigation  
26 that same year as a result of isolated wetland permits.

27 Sec. 6. NEW SECTION. **456B.26 Permit review.**

28 1. The director shall do all of the following in relation to  
29 isolated wetland permits:

30 a. Prescribe the form of the application for an isolated  
31 wetland permit.

32 b. Provide an explanation to an isolated wetland permit  
33 applicant for the proposed denial of the application.

34 c. Within fifteen business days after the receipt of an  
35 application, the director shall notify the applicant if the

1 application is complete. If the application is not complete,  
2 the director shall include in the notice an itemized list of  
3 the information or materials that are necessary to complete the  
4 application. Time periods specified in this subchapter shall  
5 not apply until the application is determined by the director  
6 to be complete. If the applicant fails to provide information  
7 or materials that are necessary to complete the application  
8 within sixty days after the receipt of the application, the  
9 director may return the incomplete application to the applicant  
10 and take no further action on the application.

11 *d.* Except as provided in subsection 2, the director shall  
12 publish notice of the receipt of a complete application in a  
13 newspaper of general circulation in the county housing the  
14 isolated wetland proposed to be filled. The director shall  
15 accept comments concerning the application and requests for a  
16 public hearing concerning the application for not more than  
17 thirty days following the publication of notice.

18 2. If a public hearing is requested during the thirty-day  
19 comment period and the director determines there is significant  
20 public interest, the department shall conduct a public hearing  
21 concerning the application. Notice of the public hearing shall  
22 be published not later than thirty days prior to the date of  
23 the hearing in a newspaper of general circulation in the county  
24 in which the proposed filling of the isolated wetland that is  
25 the subject of the application is to take place. If a public  
26 hearing is requested concerning an application, the department  
27 shall accept comments concerning the application until fifteen  
28 business days after the public hearing. A public hearing  
29 conducted under this section shall take place not later than  
30 ninety days after the director notifies the applicant that the  
31 application is complete.

32 **Sec. 7. NEW SECTION. 456B.27 Mitigation.**

33 1. The department may require mitigation for impacts to  
34 isolated wetlands to replace or compensate for the long-term  
35 and short-term economic, environmental, and natural resource

1 benefits that would be lost by the proposed regulated activity.

2 2. Mitigation for impacts to isolated wetlands shall be  
3 conducted in accordance with the following ratios:

4 a. For isolated wetlands, other than forested isolated  
5 wetlands, mitigation located at an approved wetland mitigation  
6 bank shall be conducted at a rate of two times the size of the  
7 isolated wetland area being impacted.

8 b. For forested isolated wetlands, mitigation located at an  
9 approved wetland mitigation bank shall be conducted at a rate  
10 of two and one-half times the size of the isolated wetland area  
11 being impacted.

12 3. Mitigation that involves the enhancement or preservation  
13 of existing isolated wetlands shall be calculated and performed  
14 in accordance with existing state and federal laws and  
15 regulations for wetlands.

16 4. An applicant shall demonstrate that the mitigation  
17 site will be protected in perpetuity and that appropriate  
18 practicable management measures are, or will be, in place to  
19 restrict harmful activities that jeopardize the mitigation.

20 Sec. 8. NEW SECTION. 456B.28 Exemptions.

21 1. The requirement for an isolated wetlands permit does not  
22 apply to a discharge that is the result of any of the following  
23 activities:

24 a. Normal farming, silviculture, or ranching activities.

25 b. Maintenance, emergency repair, or reconstruction of  
26 damaged parts of structures that are in use in the waters of  
27 the state.

28 c. Construction or maintenance of farm ponds, stock ponds,  
29 or irrigation ditches.

30 d. Maintenance of drainage ditches.

31 e. Construction or maintenance of farm roads, forest roads,  
32 or temporary mining roads that is performed in accordance with  
33 best management practices, as determined by the department, to  
34 ensure all of the following:

35 (1) That the flow and circulation patterns and chemical

1 and biological characteristics of the affected wetland are not  
2 impaired.

3 (2) That the reach of the affected wetland is not reduced.

4 (3) That any adverse effect on the aquatic environment of  
5 the affected wetland is minimized to the degree required by the  
6 department.

7 2. A discharge that would be exempt under subsection 1  
8 is subject to the permit requirement if the discharge is  
9 incidental to any of the following activities:

10 a. An activity that has as its purpose bringing a wetland,  
11 or part of a wetland, into a use for which it was not previously  
12 subject.

13 b. An activity that may impair the flow or circulation of  
14 any waters of the state.

15 c. An activity that may reduce the reach of any waters of  
16 the state.

17 Sec. 9. NEW SECTION. **456B.29 Fees.**

18 1. The department is authorized to adopt and enforce a fee  
19 schedule for purposes of this subchapter. The amount of fees  
20 collected annually must not exceed the cost of administering  
21 the provisions of this subchapter. The fees collected pursuant  
22 to this subchapter are appropriated to the department for  
23 purposes of administering this subchapter.

24 2. If a person conducts any activities for which an isolated  
25 wetland permit is required under this subchapter without first  
26 obtaining such a permit, in addition to penalties outlined in  
27 section 456B.31, the person shall pay twice the amount of the  
28 application and review fees that the person otherwise would  
29 have been required to pay under this subchapter.

30 Sec. 10. NEW SECTION. **456B.30 Inspection authority.**

31 For purposes of enforcing this subchapter, any employee or  
32 other representative of the department, upon presenting the  
33 employee's or representative's credentials, may do any of the  
34 following:

35 1. Enter and inspect any property on which is located a

1 wetland, or part of a wetland, that is subject to a permit  
2 issued under this subchapter.

3 2. Enter and inspect any property to investigate a discharge  
4 of dredged or fill material.

5 3. Gain access to and inspect any records that the  
6 department requires the holder of the isolated wetland permit  
7 to keep.

8 Sec. 11. NEW SECTION. **456B.31 Jurisdiction and penalties.**

9 1. A person shall not conduct a regulated activity within an  
10 isolated wetland unless an isolated wetlands permit has been  
11 issued to the person.

12 2. The district court of the county in which the affected  
13 isolated wetlands area or any part thereof lies shall have  
14 jurisdiction to restrain a violation of this subchapter upon  
15 petition of the department, the attorney general, or any  
16 person adversely affected. In the event the affected isolated  
17 wetlands area lies in more than one county, jurisdiction shall  
18 be in the district court of any county in which any part of  
19 the area lies. In the same action the district court having  
20 jurisdiction over the affected area may require such area to  
21 be restored to its original condition. In the alternative,  
22 the department may complete the restoration at the expense  
23 of the person altering the area, in which case an action for  
24 recovery of the amount expended may be brought in any court  
25 having jurisdiction to restrain a violation. A bond shall  
26 not be required as a condition of the granting of a temporary  
27 restraining order under this section, except that the court may  
28 in its discretion require that a reasonable bond be posted by  
29 any person requesting the court to restrain a violation of this  
30 subchapter.

31 3. A person violating any provision of this subchapter  
32 involving more than five square yards of isolated wetlands is  
33 guilty of a serious misdemeanor.

34 4. A person violating any provision of this subchapter  
35 involving five square yards or less of isolated wetlands is

1 guilty of a simple misdemeanor.

2     5. A person who is determined to be in violation of any  
3 provision of this subchapter by the department shall be  
4 liable for, and may be assessed by the department for, a civil  
5 penalty of not less than one hundred dollars nor more than one  
6 thousand dollars per day of violation. Whenever the department  
7 determines that any person is in violation of any permit,  
8 regulation, standard, or requirement under this subchapter,  
9 the department may issue an order requiring such person to  
10 comply with such permit, regulation, standard, or requirement,  
11 including an order requiring restoration when deemed  
12 environmentally appropriate by the department. In addition,  
13 the department may bring a civil enforcement action under this  
14 section as well as seeking appropriate injunctive relief.

15     Sec. 12. NEW SECTION. **456B.32 Rules.**

16     The department shall adopt rules pursuant to chapter 17A  
17 necessary to implement this subchapter.

18     Sec. 13. Section 427.1, subsection 23, Code Supplement  
19 2009, is amended to read as follows:

20     23. *Native prairie and wetland.* Land designated as native  
21 prairie ~~or land designated as a protected wetland~~ by the  
22 department of natural resources ~~pursuant to section 456B.12.~~

23     a. Application for the exemption shall be made on forms  
24 provided by the department of revenue. ~~Land designated as~~  
25 ~~a protected wetland shall be assessed at a value equal to~~  
26 ~~the average value of the land where the wetland is located~~  
27 ~~and which is owned by the person granted the exemption.~~ The  
28 application forms shall be filed with the assessing authority  
29 not later than the first of February of the year for which the  
30 exemption is requested. The application must be accompanied  
31 by an affidavit signed by the applicant that if the exemption  
32 is granted, the property will not be used for economic gain  
33 during the assessment year in which the exemption is granted.  
34 If the property is used for economic gain during the assessment  
35 year in which the exemption is granted, the property shall

1 lose its tax exemption and shall be taxed at the rate levied  
 2 by the county for the fiscal year beginning in that assessment  
 3 year. The first annual application shall be accompanied by a  
 4 certificate from the department of natural resources stating  
 5 that the land is native prairie ~~or protected wetland~~. The  
 6 department of natural resources shall issue a certificate for  
 7 the native prairie exemption if the department finds that the  
 8 land has never been cultivated, is unimproved, is primarily  
 9 a mixture of warm season grasses interspersed with flowering  
 10 plants, and meets the other criteria established by the natural  
 11 resource commission for native prairie. ~~The department of~~  
 12 ~~natural resources shall issue a certificate for the wetland~~  
 13 ~~exemption if the department finds the land is a protected~~  
 14 ~~wetland, as defined under section 456B.1, or if the wetland~~  
 15 ~~was previously drained and cropped but has been restored under~~  
 16 ~~a nonpermanent restoration agreement with the department or~~  
 17 ~~other county, state, or federal agency or private conservation~~  
 18 ~~group~~. A taxpayer may seek judicial review of a decision of  
 19 the department according to chapter 17A. The natural resource  
 20 commission shall adopt rules to implement this subsection.

21     **b.** The assessing authority each year may submit to the  
 22 department a claim for reimbursement of tax revenue lost from  
 23 the exemption. ~~Upon receipt of the claim, the department shall~~  
 24 ~~reimburse the assessing authority an amount equal to the lost~~  
 25 ~~tax revenue based on the value of the protected wetland as~~  
 26 ~~assessed by the authority, unless the department reimburses~~  
 27 ~~the authority based upon a departmental assessment of the~~  
 28 ~~protected wetland~~. The authority may contest the department's  
 29 assessment as provided in chapter 17A. ~~The department is not~~  
 30 ~~required to honor a claim submitted more than sixty days after~~  
 31 ~~the authority has assessed land where the protected wetland is~~  
 32 ~~located and which is owned by the person granted the exemption.~~

33     Sec. 14. Section 456B.1, subsections 4 and 5, Code 2009, are  
 34 amended by striking the subsections.

1     Sec. 15. Section 459.102, subsection 22, Code Supplement



2 impact on water quality in the state. The bill allows the  
3 department to impose any practicable terms and conditions on an  
4 isolated wetland permit to ensure adequate protection of water  
5 quality in the state. The department may require the applicant  
6 perform various environmental quality tests in order to ensure  
7 adequate protection of water quality. The bill provides a  
8 priority order of locations where mitigation for the proposed  
9 filling of an isolated wetland that is subject to review shall  
10 occur.

11 The bill requires the department to establish a list of  
12 approved wetland mitigation banks. "Wetland mitigation bank"  
13 means a site where wetlands have been restored, created,  
14 enhanced, or, in exceptional circumstances, preserved expressly  
15 for the purpose of providing mitigation for impacts to wetlands  
16 and that has been approved in accordance with the process  
17 established in the federal guidelines for the establishment,  
18 use, and operation of mitigation banks.

19 The bill requires the director to prescribe the form of  
20 the application for an isolated wetland permit and provide  
21 an explanation to an isolated wetland permit applicant for  
22 the proposed denial of the application. The bill requires  
23 the director, within 15 business days after the receipt of an  
24 application, to notify the applicant if the application is  
25 complete. The bill provides procedures for public hearings  
26 regarding an isolated wetland permit.

27 The bill allows the department to require mitigation for  
28 impacts to isolated wetlands to replace or compensate for the  
29 long-term and short-term economic, environmental, and natural  
30 resource benefits that would be lost by the proposed regulated  
31 activity. The bill requires an applicant to demonstrate that  
32 the mitigation site will be protected in perpetuity and that  
33 appropriate practicable management measures are, or will be,  
34 in place to restrict harmful activities that jeopardize the  
35 mitigation.

1 The bill provides that the requirement for an isolated

2 wetlands permit does not apply to any discharge that is the  
3 result of normal farming, silviculture, or ranching activities;  
4 maintenance, emergency repair, or reconstruction of damaged  
5 parts of structures that are in use in the waters of the  
6 state; construction or maintenance of farm ponds, stock ponds,  
7 or irrigation ditches; maintenance of drainage ditches; or  
8 construction or maintenance of certain roads that is performed  
9 in accordance with best management practices. The bill  
10 provides that an exempt discharge is subject to the permit  
11 requirement if the discharge is incidental to an activity that  
12 has as its purpose bringing a wetland, or part of a wetland,  
13 into a use for which it was not previously subject, an activity  
14 that may impair the flow or circulation of any waters of the  
15 state, or an activity that may reduce the reach of any waters  
16 of the state.

17 The bill allows the department to adopt and enforce a fee  
18 schedule. The bill provides that the amount of fees collected  
19 annually must not exceed the cost of administering the  
20 provisions of this bill and that the fees are appropriated for  
21 purposes of administering the provisions. The bill provides  
22 that if a person conducts any activities for which an isolated  
23 wetland permit is required without first obtaining such a  
24 permit, in addition to other penalties, the person shall pay  
25 twice the amount of the application and review fees that the  
26 person otherwise would have been required to pay.

27 The bill allows any employee or other representative of the  
28 department, upon presenting the employee's or representative's  
29 credentials, to enter and inspect any property on which is  
30 located a wetland, or part of a wetland, that is subject to  
31 a permit, enter and inspect any property to investigate a  
32 discharge of dredged or fill material, and gain access to and  
33 inspect any records that the department requires the holder of  
34 the isolated wetland permit to keep.

35 The bill prohibits a person from conducting a regulated  
1 activity within an isolated wetland unless an isolated wetlands

2 permit has been issued. The bill allows a district court  
3 having jurisdiction over an affected area to require such area  
4 to be restored to its original condition. In the alternative,  
5 the bill allows the department to complete the restoration at  
6 the expense of the person altering the area, in which case an  
7 action for recovery of the amount expended may be brought in  
8 any court having jurisdiction to restrain a violation.

9 The bill provides that a person violating any provision of  
10 this bill involving more than five square yards of isolated  
11 wetlands is guilty of a serious misdemeanor. The bill provides  
12 that a person violating any provision of this bill involving  
13 five square yards or less of isolated wetlands is guilty of a  
14 simple misdemeanor. The bill provides that a person who is  
15 determined to be in violation of any provision of this bill  
16 shall be assessed a civil penalty of not less than \$100 nor  
17 more than \$1,000 per day of violation. The bill provides  
18 that whenever the department determines that any person is in  
19 violation of any permit, regulation, standard, or requirement  
20 under the bill, the department may issue an order requiring  
21 such person to comply with such permit, regulation, standard,  
22 or requirement, including an order requiring restoration when  
23 deemed environmentally appropriate by the department. The bill  
24 provides that, in addition, the department may bring a civil  
25 enforcement action as well as seeking an appropriate injunctive  
26 relief.